

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America  
v.  
Rodriguez Lamont FITZGERALD

Case No. 2:23-mj-272

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2, 2023 in the county of Franklin in the  
Southern District of Ohio, the defendant(s) violated:

Code Section  
18 U.S.C. 922(o)

Offense Description  
Illegal Possession of a Machinegun

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Brian V. Boesch TFO 6551  
Complainant's signature

ATF Task Force Officer Brian V. Boesch  
Printed name and title

Sworn to before me and signed in my presence.

Date: April 20, 2023

City and state: Columbus, OH

Kimberly A. Johnson  
Kimberly A. Johnson  
United States Magistrate Judge



**ATTACHMENT A**

I, Brian V. Boesch, being duly sworn, depose and state that:

I have been a police officer with the Columbus Division of Police since November of 1994. I am currently assigned as a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so assigned since July of 2014. I was previously assigned as a robbery detective for eight and a half years and successfully investigated robberies and extortions, and other firearm related offenses. As a Task Force Officer, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.

1. On April 1, 2023, Columbus Division of Police (CPD) officers were called to 2991 Azelda St. on the report of a Domestic Violence incident. The female victim told officers that her ex-boyfriend, Rodriguez Lamont FITZGERALD, assaulted her and threatened to kill her. She stated FITZGERALD tried to force her to have sex with him and when she refused, he struck her in the head multiple times with his fist and a handgun. At the time, the reporting officers did not see any visual marks or signs of injury, but state misdemeanor charges of Domestic Violence and Assault were filed against FITZGERALD.
2. The female victim informed the reporting officers that FITZGERALD lives at 2991 Azelda St. and that he possesses a Glock "with a switch on it". Furthermore, she said FITZGERALD told her that he wants to "shoot it out with police". The officers were aware that a "switch" is a device that can be attached to a semi-automatic handgun and render it fully automatic. The officers also discovered FITZGERALD had outstanding warrants for Felonious Assault, Aggravated Menacing, Domestic Violence, and Improperly Discharging a Firearm into a Habitation.
3. Based on the above information, CPD patrol officers contacted members of the CPD Special Weapons and Tactics (SWAT) unit and requested they assume the responsibility for arresting FITZGERALD. On April 2, 2023, at approximately 8:47am, several CPD SWAT officers arrived at 2991 Azelda St. to arrest FITZGERALD. As SWAT officers attempted to make contact at the front door, SWAT officer Rodney Mayberry positioned himself at the rear of the residence.
4. After being ordered to surrender, FITZGERALD exited the rear of the house and began shooting at Officer Mayberry. Officer Mayberry fired back and there was an exchange of gunfire between FITZGERALD and Officer Mayberry. When FITZGERALD expended all of the ammunition in his handgun, he dropped the handgun over the back fence and informed Officer Mayberry that he discarded the gun. He was eventually taken into custody. FITZGERALD had suffered gunshot wounds to his abdomen and leg. He was transported to Grant Hospital in stable condition for medical treatment.
5. The Ohio Bureau of Criminal Investigation (BCI) was contacted to conduct the investigation of the incident, and their agents processed the crime scene. The handgun was photographed where FITZGERALD discarded it and collected for evidence. The Glock model 21, gen 4, serial number WTK098, did have a device attached to the rear of the slide that is consistent with a device that would render the handgun fully automatic.



6. On April 19, 2023, BCI laboratory technician Matthew R. White examined the Glock and test fired the handgun with the device attached. Technician White stated when the trigger was pulled one time, all five (5) of the rounds that were loaded in the gun were expelled with that one pull of the trigger. This test fire was digitally recorded.
7. The fact that the handgun expelled more than one projectile during the single pull of the triggers fits the definition of a machinegun under Title 26 U.S.C. § 5845(b), which is in violation of Title 18 U.S.C. § 922(o). This violation occurred in Columbus, OH, within the Southern District of Ohio.

 TFO  
6551

Brian V. Boesch, ATF Task Force Officer

Sworn to before me and signed in my presence.

April 20, 2023

  
Kimberly A. Tolson  
United States Magistrate Judge

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Date